

1 9. (Amended) The article of claim 8 further storing instructions that cause a processor-
2 based system to automatically transfer data from the storage coupled to the first processor-based
3 system when it is determined that the first processor-based system is being powered off.

1 15. (Amended) A processor-based system comprising:
2 a processor;
3 a first storage storing a personal information manager application; and
4 a second storage storing software including instructions that cause the processor to
5 automatically transfer time sensitive data to another processor-based device to automatically display
6 said time sensitive data at a predetermined time.

REMARKS

Responsive to the §112 rejection claims 2 and 9 are amended without adding any new subject matter. Independent claims 1, 8, and 15, and selected dependent claims depending therefrom, stand rejected under §103(a) over *Tsukakoshi* (*Tsukakoshi et al.*, U.S. Patent No. 5,926,623). Claim 1 calls for a method that includes automatically transferring time sensitive data which may be automatically displayed on a display at a predetermined time. The time sensitive data may be automatically transferred from a storage coupled to a first processor-based system to a storage coupled to a second processor-based system for automatically displaying of the time sensitive data on a display coupled thereto.

The *Tsukakoshi* reference merely relates to a data transmission method in which there is no provision of automatically transmitting time sensitive data for subsequent automatic display thereof at a predetermined time. Rather than automatically displaying time sensitive data at the predetermined time after an automatic transfer, only use of a temporary file is disclosed to store a record related to a predetermined time period for a selective transfer of data. Therefore, independent claim 1 and claims dependent therefrom cannot be rendered obvious by the *Tsukakoshi* reference.

Claims 2, 9 and 20 stand rejected under §103(a) over *Tsukakoshi* further in view of *Hallowell*. In *Hallowell*, however, the time sensitive data is not automatically transferred from one storage to another between two processor-based systems, as recognized by the Examiner, much less upon determining that the system is being powered off. Rather, *Hallowell* merely teaches saving a hibernation file at a storage associated with a system before shutdown of the same system, such as portable computer occurs. Thus, *Hallowell* clearly fails to teach the claimed limitations in claims 2, 9

and 20. Accordingly, the Examiner is respectfully requested to withdraw the §103 rejection as these claims are in condition for allowance. Even if combinable, teachings of the *Tsukakoshi* reference modified by the teachings of the *Hallowell* reference do not even come close to teaching all of the limitations of the rejected claims 2, 9 and 20, rendering a *prima facie* obviousness rejection improper.

With regard to claims 4, 5, 11, and 12, which stand rejected under §103(a) over the *Tsukakoshi* reference in combination with the *Vong* reference, again a *prima facie* case of obviousness rejection is not adequately established by the Examiner. In particular, the Examiner admits that *Tsukakoshi* fails to teach automatic transfer of personal information manager information, including automatically transferring timed alerts. Moreover, absent an automatic transfer from one storage to another between two processor-based systems, as claimed in claim 4, *Vong* fails to teach or suggest the Applicant's claimed invention therein. *Vong* simply discloses a portable, hand-held computing device that has a notification system which uses the device processor itself for alerting a user of an event regardless of whether that device is on or off. For at least this reason alone, it cannot be held that it would have been obvious to a person of ordinary skill to modify the *Tsukakoshi* reference using *Vong's* teachings.

Using hindsight to construct the Applicant's claimed invention is insufficient because no reason, suggestion or motivation is to be found in the cited reference, enabling a person of ordinary skill in the pertinent field to make the modification being suggested by the Examiner. Pursuant to rules in the M.P.E.P., hindsight cannot be employed to make the §103 rejection while using the knowledge for modification from the Applicant's invention itself. In particular, the Examiner must provide a specific cite to a reference to support such an alleged suggestion or motivation. See, for example, *Ex parte Gambogi*, 62 USPQ2d, 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) and *M.P.E.P.* §2143. Accordingly, claims 4, 5, 11 and 12 are not rendered obvious by the *Tsukakoshi* and *Vong* references, considered alone or in combination. Therefore, the Examiner is respectfully requested to reconsider the rejection, as these claims are in condition for allowance. Based on at least these reasons, as set forth above in the context of claim 1, independent claim 8 and dependent claims therefrom are also patentably distinguishable.

Claim 15 is amended to include a limitation "a second storage storing software including instructions that cause the processor to automatically transfer time sensitive data to another processor-based device for an automatic display of said time sensitive data at a predetermined time." This feature is not taught or suggested by the cited references, considered alone or in combination. With regard to the remaining dependent claims, to the extent that characterization of the cited reference or

Applicant's claimed subject matter are not specifically or adequately addressed, it is to be understood that the Applicant does not acquiesce to such characterizations in connection with the rejected dependent claims. The Examiner is respectfully requested to reconsider the pending claims.

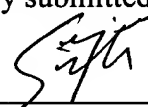
Attached is an Appendix, which shows the changes to the specification and claims. The Examiner is encouraged to review those changes to ensure that the changes correspond accurately to the specification and claims in the Appendix and no inadvertent errors have occurred.

In view of these amendments and remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

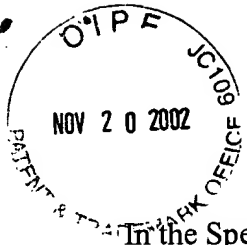
Respectfully submitted,

Date: _____

11/15/02



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APPENDIX

In the Specification:

The Specification has been amended as follows:

On page 10, lines 7-16:

Turning finally to Figure 7, the processor-based system 10 may include a processor 60 coupled to an interface 62 such as a bridge. The interface 62 may be coupled to a system memory 64 and a display controller 66. A display 68 may be coupled to [a] the display controller 66. An interface 70 may be coupled to the interface 62 as well as to a system bus 72. The real time clock may be part of the interface 70. The system bus 72 may be coupled to a storage medium 74, storing the software 76 for example that implements the PIM functions and the software 24.

In the Claims:

The claims have been amended as follows:

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1 2. The method of claim 1 wherein said time sensitive data is automatically
2 transferred from [a] the storage coupled to the first processor-based system when it is determined
3 that the first processor-based system is being powered off.

1 9. (Amended) The article of claim 8 further storing instructions that cause a processor-
2 based system to automatically transfer data from [a] the storage coupled to the first processor-based
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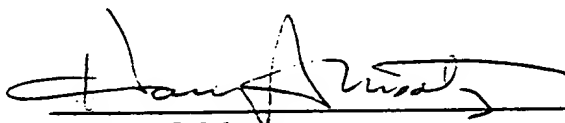
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